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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,008	09/20/2001	Michael Ray Timperman	2001-0134.02	3800
21972 7590 06/04/2007 LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999			EXAMINER PARK, JUNG H	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/957,008

Applicant(s)

TIMPERMAN ET AL.

Examiner

Jung Park

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4, 16-18, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4, 16-18, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Remark*

1. This communication is considered fully responsive to the Amendment filed on 05/18/2007.
  - a. The indicated allowability of dependent claims 4, 16-18, 26, and 27 are withdrawn in view of the newly discovered reference(s) to Minami.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 4, 16, 18, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Minami et al. (US 6,034,963, "Minami").

**Regarding claim 4**, Minami discloses a method of processing data packets, comprising:

- receiving a plurality of the data packets (network packets, see fig.1) at a selected node (a node including 101 & 102 fig.1);
- extracting only pertinent information from the data packets while ignoring non-pertinent information from the data packets (protocol handler parses header information, see col.2, ln.43-45), the pertinent information being pertinent to the selected node (the resulting data are passed to data handler, see col.2, ln.45-46);
- generating a plurality of response data packets based on the pertinent information (each data state machine reacts accordingly to the pertinent data, see col.2, ln.49-52),

wherein the extracting and generating steps are performed without use of a microprocessor (using protocol state machine, see col.2, ln.40-42); and

- transmitting a signal indicating (inherent to send a signal for the function described in col.2, ln.57-62, otherwise it is inoperable) that the response data packets (outgoing network packets, see col.2, ln.57-58) should be sent (created, passed, and forwards, see col.2, ln.57-62).

**Regarding claim 16,** Minami discloses a data packet communication system, comprising:

- a peripheral device (display, see 326 fig.3);
- a filter device (protocol handler, see col.2, ln.43-45) connected to the peripheral device (fig.1 and fig.3), the filter device being configured to receive a plurality of data packets (network packets, see fig.1 and col.2, ln.43-45) and identify only pertinent information in the data packets while ignoring non-pertinent information from the data packets (protocol handler parses header information, see col.2, ln.43-45), the pertinent information being pertinent to the peripheral device (passed to a display, see col.2, ln.56-57);
- a packet generator (data state machine, see col.2, ln.57-58) connected to the peripheral device and the filter device (as shown in fig.1 and fig.3), the packet generator being configured to generate a plurality of response data packets based on the pertinent information (each data state machine reacts accordingly to the pertinent data, see col.2, ln.49-52),
- wherein the packet generator is configured to transmit the response data packets (outgoing network packets, see col.2, ln.57-58); and

- wherein the filter device is configured to transmit a signal indicating that the response data packets should be generated (inherent that protocol handler send a signal for the outgoing network packets as described in col.2, ln.57-62, otherwise the outgoing packets are not created by data state machine)."

Regarding claim 17, Minami discloses, "wherein the packet generator is configured to transmit the response data packets to a packetized data network (fig.1 and col.1, ln.32-33)."

Regarding claim 18, Minami discloses, "further comprising a protocol state machine (protocol state machine, see col.2, ln.40-42) configured for receiving the signal from the filter device (protocol handler, col.2, ln.43-45) and issuing a request to the packet generator (note: data state machine) to transmit the response data packets (inherent that protocol handler send a signal for the outgoing network packets as described in col.2, ln.57-62, otherwise the outgoing packets are not created by data state machine)."

**Regarding claim 26**, it is a claim corresponding to claim 16 and is therefore rejected for the similar reasons set forth in the rejection of claim 16.

Regarding claim 27, it is a claim corresponding to claim 18 and is therefore rejected for the similar reasons set forth in the rejection of claim 18.

***Response to Arguments***

4. Applicant's arguments with respect to claims 4, 16-18, 26, and 27 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 6:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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